

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

JOSHUA HUGO,)	
)	
Plaintiff,)	Case No. 3:12-CV-00167
)	
v.)	Judge Phillips
)	Magistrate Judge Guyton
MILLENNIUM LABORATORIES,)	
INC.,)	Jury Demanded
)	
Defendant.)	

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Defendant Millennium Laboratories, Inc. (“Millennium”), pursuant to Rule 56 of the Federal Rules of Civil Procedure, moves this Court to enter summary judgment in its favor and to dismiss this lawsuit in its entirety because there exist no genuine issues of material fact supporting Plaintiff’s claims of whistleblower retaliation, termination in violation of public policy, and age discrimination.

As described more fully in the accompanying memorandum of law, Plaintiff’s claims are refuted by his own deposition testimony, and he otherwise lacks any evidence to support these claims. Specifically, Plaintiff’s whistleblower claim must be dismissed because his deposition testimony confirms that prior to his termination he never refused to engage in any illegal activity at Millennium, and never reported any illegal activity by Millennium. Plaintiff’s second claim that he was discharged in order to prevent him from testifying in a separate lawsuit in Colorado, brought by Millennium, is also contradicted by his deposition testimony that confirmed that Millennium took efforts to facilitate, not impede, his deposition in that case. Finally, Plaintiff offers nothing but pure speculation to support his additional and alternative claim under the Tennessee Human Rights Act

that he was terminated because of his age, which is again contradicted by his own testimony that there were other non-age based reasons for his discharge and his lack of any evidence showing that age was a factor mandates dismissal of his age claim.

In the absence of any genuine issues of material fact, Plaintiff's claims must be dismissed as a matter of law.

s/ Robert E. Boston

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served via the Court's ECF system upon:

Arthur F. Knight, III
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on this 13th day of September, 2013.

s/ Robert E. Boston